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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,466	04/06/2001	Frederick Schuessler	7157-291	6160
23720	7590	10/12/2006	EXAMINER	
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			FUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,466

Applicant(s)

SCHUESSLER ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37, 38, 116, 144 and 146 is/are allowed.
- 6) ☒ Claim(s) 131 and 133-136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 1,4-6,9-11,13,14,18-20,23-25,28-30,32,33,37,38,116,131 and 133-146.

### **DETAILED ACTION**

Receipt is acknowledged of the amendment, filed on 6/22/2006, which has been entered in the file. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 32, 33, 37, 38, 116, 131 and 133-146 are pending.

#### ***Claim Objections***

1. Claims 146 is objected to because of the following informalities: Claim 146, line 3: "the first or the second network type location" lacks proper antecedent basis.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 131 and 133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al.

Hudetz et al teaches a method comprising: receiving bar codes (bar code symbol 46, see figure 2) selected by a group of users using bar code readers (users of local host 28 and input device 44, see figures 1 and 2); allowing the group of users to connect to an Internet portal (service provider 22, see figure 1) in response to receiving the bar codes; permitting the group of users to access a common web page (stored at the location identified by URL field 74, see figure 4) based on information encoded in each bar code (UPC fields 70 and 72) and based on destination information (the URL 74 of the Web-site associated with UPC fields 70 and 72) corresponding to the received bar codes, wherein the destination information is accessible from the Internet portal; receiving bar codes selected by a group of users using bar code readers each bar code associated with source information (such as a terminal or network identification of the local host 28 or a user's login information, for example) identifying a user of the bar code readers; providing data received from the Internet portal to said at least one user of at least one of the bar code readers based on the received source information (the service provider 22 must have an identification of the local host 28, in order to know which information to send to a specific local host 28, for example).

Hudetz et al fails to specifically teach permitting the group of users to communicate with each other through the common web page.

However, official notice is taken that at the time of the invention it was well known to those of ordinary skill in the art that a group of users can communicate with each other through a common web page (for example, users can communicate with each other through chat rooms, message boards, forums, etc., located at a web site).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al, permitting the group of users to communicate with each other through the common web page, (for example, in order to allow users to access information such as product, book, or movie reviews, etc., written by other users), thereby encouraging continued use of the web page(s).

5. Claims 134-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al in view of Bianco (US 5,979,762, previously cited).

The teachings of Hudetz et al have been discussed above.

Hudetz et al fails to specifically teach allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off.

Bianco teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is encrypted or not (see figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42).

In view of Bianco's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Hudetz et al, allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting said at least one user to the Internet portal depending upon whether the encryption of the bar code information is turned off, in order to provide greater security.

***Allowable Subject Matter***

6. Claims 1, 4-6, 9-11, 13, 14, 18-20, 23, 24, 25, 28-30, 32, 33, 37, 38, 116 and 137-146 have been allowed over the prior art of record (note that claim 146 requires correction of the claim objections discussed above).

7. The following is a statement of reasons for the indication of allowable subject matter and the reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: (regarding claim 1 and dependents) said portion of the received bar code information comprising data relating to a type of destination information, using said type of destination information for accessing from the remote device data stored at a network location referenced by the identified portion of

the destination information; (regarding claim 20 and dependents) said portion of the received bar code information comprising data relating to a type of destination information, using said type of destination information for accessing a network location referenced by the identified portion of the destination information; (regarding claim 116 and dependents) the bar code having an associated prefix portion, wherein the prefix portion indicated whether to deactivate encryption, receiving information represented in the prefix portion of the bar code and connecting a user to the entity based on information represented in the bar code and based on information represented in the prefix portion; (regarding claim 137 and dependents) where the bar code has an associated prefix portion that indicates whether to deactivate encryption, receiving at a device, bar code information and information represented by the prefix portion and based on the information represented by the prefix portion, displaying at least a portion of the bar code information on a display associated with the device or connecting the device to a remote location indicated in the bar code information; in combination with the other limitations as recited in the claims.

Applicant's arguments, see pages 11-17, of the amendment filed on 6/22/2006, with respect to Hudetz et al and Sloane failing to teach said portion of the received bar code information comprising data relating to a type of destination information and using said type of destination information for accessing, as recited in claims 1 and 20, has been considered and is persuasive, the rejection has been withdrawn.

Regarding claims 116 and 137-144: Bianco teaches a bar code strip 20 including bar code 12 and bar code 22 (see figure 2). While bar code symbol 22 is encrypted



(see column 4, lines 1-9), Bianco does not teach or suggest a method having a bar code including a prefix portion where the prefix portion indicates whether to deactivate encryption; and connecting and/or displaying information based on information represented in the prefix portion.

### ***Response to Arguments***

11. While claims 11 and 30 have been allowed based on their dependency from claims 1 and 30, respectively, the examiner would like to note for the record that applicant's argument that the examiner has not cited any reference to support "official notice" (see pages 18-19, of the amendment filed on 6/22/2006) is incorrect. The examiner had previously cited O'Hagan et al (US 6,595,417) (see the advisory action mailed on 10/17/2005 and page 13 of the office action mailed on 2/23/2006) as evidence that it was old and well known to associate security information (in this case, a personal identification number) with a terminal before allowing use of the terminal/network.

8. Applicant's arguments filed 6/22/2006, with respect to claims 131 and 133-136, have been fully considered but they are not persuasive.

Applicants argue that the examiner simply ignores that the recited claim feature specifies that the act of permitting the group of users to communicate based on the information encoded in each bar code and based on destination information corresponding to the received bar codes (see page 20 of the amendment filed on 6/22/2006, the examiner respectfully disagrees. As discussed above, Hudetz teaches a

group of users accessing destination information, a URL, corresponding to the received bar codes. The official notice states that at the time of the invention it was well known to those of ordinary skill in the art that a group of users can communicate with each other through a common web page (for example, users can communicate with each other through chat rooms, message boards, forums, etc., located at a web site) (note that Bayrakeri, US 6,185,602, was cited on page 13 of the office action mailed on 2/23/2006, as evidence of this official notice). Thus, the combination teaches, to one of ordinary skill in the art at the time of the invention, that the destination information (i.e., URL) of the chat room, message boards, forums, etc., would be associated with the bar code information as taught by Hudetz. Thus, the combination teaches/suggests, permitting the group of users to communicate with each other through a common web page based on the information encoded in each bar code and based on destination information corresponding to the received bar codes.

Applicants argue that there is no teaching or suggestion in either Hudetz or Bianco to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated; connecting the user to the Internet portal depending upon whether the encryption of the bar code information is turned off (see page 21 of the amendment filed on 6/22/2006), the examiner respectfully disagrees. Bianco teaches that a bar code symbol 22 encrypted in a unique format may be appended in front of bar code symbol 12 (see column 4, lines 1-9, of Bianco). The bar code symbol 22 requires a special decoder in order to translate the information. Thus,

applications requiring security utilize bar code symbol 22 and a special decoder.

Therefore, the combination of Bianco with Hudetz results in a method where a user would be connected through an Internet portal if the barcode was not encrypted, or the user would not be connected through the Internet portal if the bar code was an encrypted bar code and a special decoder was not used. Thus, since Hudetz teaches connecting a user to an Internet portal and Bianco teaches allowing access in dependence on whether a bar code is encrypted or not, the combination of Hudetz and Bianco meets the claimed limitations.

### ***Conclusion***

9. The art made of record and not relied upon is considered pertinent to applicant's disclosure. Tobin et al (US 7,055,737 B1) teaches a system and method for obtaining topic specific information regarding a product by scanning a bar code containing a URL.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

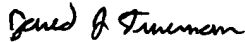
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jared J. Fureman  
Primary Examiner  
Art Unit 2876

October 2, 2006